IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
UNITED STATES OF AMERICA

United States of America,
Ex Rel. Dale Thomas Vosika
and Rob Thompson,

Plaintiffs,

vs.

Starkey Laboratories, Inc.,

Defendant.

Case No. 01-709 DWF/SRN

STIPULATION FOR DISMISSAL

WHEREAS, the relators, defendant and the United States all wish to dispose of this matter in order to avoid the uncertainty and cost of pretrial and trial proceedings, and

1. This matter was commenced by Relators as an action pursuant to the False Claims Act, 31 U.S.C. Sec. 3729 et seq.;

2. The United States, after its independent investigation of the allegations, has declined to intervene in this matter;

3. Defendant has raised complex and dispositive contractual issues in this matter, which the parties concur will require detailed and expensive discovery and motion practice to address; in light of these issues, and the absence of active prosecution of the case by the United states, relators no longer wish to pursue the False Claims alleged;

4. The relators each have prior employment relationships with defendant, which provide a separate and independent basis for settlement of claims with defendant;

5. The relators and defendant have entered into a separate, confidential Settlement Agreement and Release; and

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U.S. DISTRICT COURT ST. PAUL

6. The United States has, with full authority as required by policies and procedures of the Department of Justice, the Office of Inspector General and the Veterans Administration, decided to exercise its authority to dismiss this False Clams Act suit against Defendant without prejudice.

THEREFORE, IT IS HEREBY STIPULATED THAT:

The Second-Amended Complaint in this matter as well as all claims and allegations raised in any of the preceding filed Complaints may be, at the Order of the Court, Dismissed with Prejudice as to Relators, and without Prejudice as to the United States..

Dated: 12/8/4, 2004

Robert Hajek, Esq.
Warchol, Berndt & Hajek, P.A.
Counsel for Relators

Dated: 12/8/04, 2004

Dale Thomas Vosika
Relator

Dated: 12/8/04, 2004

Rob Thompson
Relator

Dated: 12/13/04, 2004

Robyn A. Millenacker
Assistant United States Attorney

Dated: 12/13, 2004

Janice M. Symchych
Halleland, Lewis, Nilan & Johnson
Counsel for Starkey, Inc.

Dated: 12/13, 2004

Jerome Ruzicka
Starkey Laboratories, Inc.

DN: 239054

BASED UPON THE FOREGOING AND ALL THE FILES AND PROCEEDINGS HEREIN, IT IS HEREBY ORDERED THAT:

The Second Amended Complaint in the foregoing matter, as well as all claims and allegations in the preceding Complaints filed in this matter are

DISMISSED WITH PREJUDICE as to Relators, and DISMISSED WITHOUT PREJUDICE as to the United States.

Dated: 12/14/04

Donovan W. Frank
United States District Judge

halleland lewis nilan
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Honorable Donovan Frank
United States District Judge
316 North Robert Street
St. Paul, Minnesota 55101

RECEIVED
DEC 14 2004
BY:________

Re: United States ex rel Vosika v. Starkey Laboratories
Civ. 01-0709 DWF/SRN

Dear Judge Frank:

Enclosed please find a fully executed Stipulation for Dismissal of the above matter, along with a proposed Order for Dismissal for your signature. If you approve, please execute the Dismissal Order and file, so that we may proceed promptly with the final aspects of the settlement that has been reached.

We appreciate your attention to this matter.

Sincerely yours,

Janice M. Symchych
JMS:tlz
Enc.

cc: Robert Hajek, Esq. (w/enc.)
Robyn Millenacker, Esq. (w/enc.)